

SAN MARCOS UNIFIED SCHOOL DISTRICT

BYLAWS OF THE BOARD

CONFLICT OF INTEREST CODE

9270

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Governing Board Members and designated employees shall adhere to the District Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300.

The district Conflict of Interest Code shall comprise the terms of the California Code of Regulations, Title 2, 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, together with district attachments specifying designated positions and disclosure categories.

Board Members and designated employees shall submit statements of economic interests to the District in accordance with requirements of the Conflict of Interest Code. Upon receipt of the statements of the Governing Board and Superintendent, the District shall make and retain a copy and forward the originals to the San Diego County Board of Supervisors. Statements for all other designated employees will be retained by the District. Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection. These statements shall be filed pursuant to Government Code 87300.

Designated employees required to file statements of economic interests are as follows:

Superintendent of Schools	Assistant Superintendents
Principals	Assistant Principals
Administrators	Coordinators
Directors	
Purchasing Agent	

Candidates for elected office are requested to voluntarily file Form 730 during the candidate filing period of an election. This form will be provided when nomination papers are issued and is to be filed at the District Office of the San Marcos Unified School District

Board Members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board Members. A Board Member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract. A remote interest shall be any of those defined in Government Code 1091, including the interest of a parent in the earnings of his/her minor child.

A Board Member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board Meeting and have this disclosure noted in the official Board minutes. The affected Board Member shall not vote or debate on the matter or attempt to influence any other Board Member to enter into the contract.

A Board Member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply.

Designated employees shall not accept from any single source, in any calendar year, any gifts including gifts of travel and related lodging and subsistence, in excess of the prevailing gift limitations specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This limitation on gifts does not apply to travel and related expenses when provided by the district for Board members and designated employees, or to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Board members and designated employees shall not accept any honorarium if the employee or Board members would be required to report the receipt of income or gifts from that source on his/her statement of economic interest. The term honorarium does not include earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity is making speeches.

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 12/1/14 Minute Order No. 14-12
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By [Signature] Deputy Clerk

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A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. "Relative" is defined as an adult who is related to the person by blood or an adoptive relationship including spouse, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and similar family of the Board member's spouse unless the Board member is widowed or divorced.

A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which a relative belongs.

Board Members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the Board Member's duties as an officer of the District.

Legal Reference:

Education Code

1006	Qualifications for holding office
35107	School district employees
35230-35240	Corrupt practices
35233	Prohibitions applicable to members of governing boards

Government Code

1090-1098	Prohibitions applicable to specified officers
1125-1129	Incompatible activities
81000-91015	Political Reform Act of 1974, especially:
82011	Code reviewing body
82019	Definition of "Designated Employee"
82028	Definition of "Gifts"
82030	Definition of "Income"
82033	Definition of "Real Property"
82034	Definition of "Investment"
87100-87103.6	General prohibitions
87200-87210	Disclosure
87300-87313	Conflict of interest code
87500	Statements of economic interests
895001-89503	Honoraria and gifts
89506	Travel payments, advances and reimbursements
91000-91015	Enforcement
Code of Regulations, Title 2	
18100 et seq.	Regulations of the Fair Political Practices Commission

COURT DECISIONS

Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App. 4th 511

ATTORNEY GENERAL OPINIONS

82 Ops. Cal. Atty. Gen. 83 (1999)
81 Ops. Cal. Atty. Gen. 327 (1998)
80 Ops. Cal. Atty. Gen. 320 (1997)
69 Ops. Cal. Atty. Gen. 255 (1986)
68 Ops. Cal. Atty. Gen. 171 (1985)
65 Ops. Cal. Atty. Gen. 606 (1982)

Adoption History:

11/8/82

9/28/92

Revision Reviewed: 7/19/94

Revision Adopted: 8/22/94

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